

Committee on Resources

Subcommittee on National Parks & Public Lands

Testimony

Testimony on HR 3830

Utah Schools and Lands Exchange Act of 1998

Governor Michael O. Leavitt, State of Utah

House Subcommittee on National Parks, Forests and Lands

The Honorable James V. Hansen, Chairman

May 19, 1998

Good morning Mr. Chairman, thank you for allowing me the opportunity to speak to you today about the exchange of Utah School Trust Lands located within national parks, monuments, recreation areas and forests. This exchange is the single most significant land swap in Utah since the Utah Enabling Act was passed in 1894. Like our enabling legislation, the current agreement was consummated because it brings enormous benefits to the federal government and the State of Utah. I will frame my remarks in terms of these benefits, trying carefully to help you understand why this legislation is good state and federal public policy.

The Problem

First you must understand the problem. Our enabling legislation granted sections 2, 16, 32, and 36 of each 36-square-mile township to the state upon statehood. This means that there are thousands of 640 acre blocks of school trust lands distributed all around Utah. These lands were specifically granted to Utah for the support of the common schools. By law, these lands must be managed to generate revenue for Utah's school children. While the measles-like pattern created one problem for state land managers, other federal designations created another difficulty.

Three and a half decades after Utah became a state, the federal government created Arches National Monument, which later became Arches National Park. The boundaries of the monument surrounded approximately 6000 acres of Utah's school trust land. This created two competing management missions; the National Park Service is charged with preserving these lands, while Utah's trust land managers are charged with maximizing their profit potential. Because these school trust lands are scattered in a checkerboard pattern, neither the federal government nor state land managers could accomplish these missions effectively. The problem intensified with the creation of each new national park, national forest, Native American reservation, recreation area, and monument, finally resulting by 1990 in over 200,000 acres of school trust land embedded in an isolated pattern throughout these federal reserves.

The result has been nearly 70 years of frustration, distrust, and inefficiencies. Millions of dollars have been spent on legal battles. The Utah Schools and Lands Improvement Act of 1993, Public Law 103-93, was

passed to help with this problem, but it too resulted in endless arguments over appraisals and tallied up large mediation, appraisal, research and legal costs. The acrimony and frustration reached a peak on September 18, 1996 when President Clinton set aside 1.7 million acres in southern Utah as the Grand Staircase - Escalante National Monument, locking up an additional 177,000 school trust land acres within a national monument. With a stroke of a pen the administration declared a national monument the size of Rhode Island, Delaware and Washington, D.C. It should be of no surprise that lawsuits followed.

As a consolation to the State of Utah, the president agreed that Utah's school children should not suffer because of the creation of the new monument. He promised to use the power of his office to accelerate the exchange process. I am happy to report to you today that the Department of Interior has worked fairly, constructively, and responsibly with the State of Utah to make an exchange of these lands happen. With the signing on May 8, 1998 of the agreement to exchange school trust lands, we have made a major step towards keeping the President's promise. Today I am asking you to support this agreement because it benefits both the federal government and the State of Utah. Let me now outline the agreement and the benefits.

The Agreement

The entire exchange is of approximately equal value. The federal government receives all state lands within Utah's national parks, monuments and recreation areas. This tallies nearly 270,000 acres. The federal government also receives all state lands within the Navajo and Goshute Reservations (47,480 acres) and nearly all state lands within the national forests (70,000 acres). In total the federal government receives nearly 377,000 surface acres and 66,000 acres of mineral-rights-only acreage.

You should know that since these lands are within national parks, monuments, recreation areas, and forests they are similar to the adjacent lands; they are precious lands that are deserving of special management considerations. Once exchanged, these lands will be a tremendous asset to the American people. They will be able to be managed like the adjacent lands without a competing management objective. The exchange also includes a provision for 47,000 acres of land with the Navajo and Goshute Indian Reservations to be managed in a contiguous block for tribal use.

The State of Utah receives \$50 million in cash previously set aside during the 103d Congress for the Utah Schools and Lands Improvement Act of 1993 (PL 103-93). Since this money has already been appropriated, HR 3830 is revenue neutral. The State of Utah also receives 160 million tons of coal, 185 billion cubic feet of coal bed methane resources, approximately 139,000 acres of land and minerals, and \$13 million to be generated from the sale of unleased coal.

Utah's school children will benefit tremendously from an endowment for future education and a diversified portfolio.

The Benefits

The State of Utah and Secretary of Interior entered into these negotiations with a desire to (1) consummate a fair and equitable exchange; (2) help resolve longstanding disputes; (3) protect the land and the environment where appropriate; and, (4) improve the efficient management of the land. HR 3830 accomplishes all of these.

The exchange is fair and equitable. The State of Utah and the federal government receive approximately

equal value from the exchange. No single individual, corporation, or geographic area is unduly harmed or benefitted. The agreement protects existing stakeholders by making sure that local governments continue to receive mineral lease revenues, payments in lieu of taxes (PILTS) the federal budget has no fiscal impact, and the valid existing rights of permittees such as ranchers with grazing rights are protected. The primary benefactor is the public - both nationally and locally.

The exchange helps resolve longstanding disputes. Utah's school trust land managers have agreed to drop their current lawsuit over the creation of the Grand Staircase - Escalante National Monument if this legislation is passed. The federal government and the State Trust Lands Administration will save millions of dollars in continuing legal battles if this exchange is consummated. And, President Clinton's promise to make sure that the school children of Utah are not hurt by the creation of a national monument will be fulfilled.

The exchange protects the land and the environment where it is appropriate. This exchange assures the American public that over 257,000 acres of land that are now owned by the people of Utah in some of America's greatest treasures will be entirely managed for park and monument purposes. No longer will there be the threat of a development within a national park, monument, or recreation area that is not consistent with the larger areas management directive. Moreover, an additional 70,000 acres of state lands within the national forests in Utah will now be managed the same as other national forest lands. The American public will be assured of access to and protection of these prime recreation and preservation lands.

These aren't just ordinary lands. Let me give you an example of some of the lands the American Public will receive in this exchange:

Eye of the Whale Arch within Arches National Park

The Perfect Ruin-An Ancient Anazasi ruin with artifacts including intact thousand year old corn cobs within the Glen Canyon NRA

Several hundred foot red rock cliffs overlooking the Escalante River within the Grand Staircase-Escalante National Monument

Jacob Hamblin Arch-within The Glen Canyon NRA

The Franklin Basin-a spectacular high mountain alpine area within the Wasatch-Cache National Forest

Ancient Native American rock art panels within Dinosaur National Monument

The unique geologic formations of the Waterpocket Fold within Capitol Reef National Park

On the other hand, the lands transferred to the state were specifically chosen with a sensitivity to environmental concerns. State and federal negotiators did not include lands that would be mined by surface mining techniques or that are areas of critical environmental concern, potential wilderness or habitat for endangered species. All of the lands exchanged to the state will still be fully subject to all environmental laws applicable to resource development.

The exchange improves the efficient management of the lands. Consolidation of these lands for

management purposes has been a longstanding goal for public land managers. The checkerboard pattern may have made sense in the 1800s when it was believed that virtually all federal and state lands would eventually be sold to private interests providing revenues to support the common schools and a tax base for state and local government. The federal Homesteading Act of 1864 and Desert Land Entry Act of 1877 were indicative of this thinking. But over the years federal land policies have changed from disposition to retention, leaving the checkerboard pattern largely in place. As a result, a logical state and federal management policy cannot exist. This exchange consolidates these assets both nationally and locally, providing both entities with a more sensible management task.

Conclusion

For nearly 70 years and through the administrations of twelve presidents and nine governors, the federal government and the State of Utah have struggled with the management of these lands. It was during my administration that 177,000 more acres were locked within a national monument. Seventy years and 377,000 acres is too long and too much. This legislation presents a rare opportunity to resolve this struggle. I ask for your support in consummating this agreement. The agreement is fair and equitable; helps reduce tensions from longstanding disputes between Utah and the federal government; provides the American people with priceless land assets that can be managed for national purposes; and will enable logical and efficient management of national parks, monuments, recreation areas, and forests within Utah. Now is the time to look across the table and agree that a fair and equal value exchange that meets the scrutiny of the Department of Interior and the State of Utah is sound policy for all Americans.

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